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*Counsel to Dean Ziehl, as Litigation Trustee
of the SFX Litigation Trust*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

Robert Francis Xavier Sillerman
aka Robert F.X. Sillerman
aka Robert F. Sillerman
aka Robert X. Sillerman,

Case No. 17-13633-mkv

Debtor.

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**JOINDER OF DEAN ZIEHL, AS TRUSTEE OF THE
SFX LITIGATION TRUST, TO LIMITED OBJECTIONS TO
AND REQUEST FOR ADJOURNMENT OF HEARING ON
THE DEBTOR'S MOTION FOR ENTRY OF AN ORDER
AUTHORIZING THE DEBTOR TO CAUSE RFXS, LLC, HIS NON-DEBTOR
AFFILIATED ENTITY, TO RETAIN CASTLE PLACEMENT, LLC**

Dean Ziehl, as Litigation Trustee of the SFX Litigation Trust (the "**SFX Trustee**"),
submits this joinder to the limited objections to and request for adjournment of the hearing on

Robert Francis Xavier Sillerman's (the "**Debtor**") *Motion for an Entry of an Order Authorizing the Debtor to Cause RFXS, LLC, His Non-Debtor Affiliated Entity, to Retain Castle Placement, LLC* (the "**Motion**") [ECF No. 56], filed by ID Wheel (FL) LLC and IDrive Mezz Lender (FL) LLC [ECF No. 66] (the "**Objection**"). In support of this joinder, the SFX Trustee respectfully states as follows:

1. The SFX Trustee is the court-appointed trustee of the SFX Litigation Trust, which was created in connection with the confirmation of the Fifth Amended Joint Plan of Reorganization in *In re SFX Entertainment, Inc.*, Case No. 16-10238-MWF (Bankr. D. Del.). The Debtor was an officer and SFX Entertainment, Inc. (**SFX**). The SFX Litigation Trust is the successor-in-interest to claims that SFX has against the Debtor, seeking damages in excess of \$160 million. These claims include breach of fiduciary duty, tortious interference with contract, and liability under 11 U.S.C. § 550 as a person for whose benefit avoidable transfers were made. The SFX Trustee made a demand for relief against the Debtor for these claims and participated in formal mediation and settlement discussions with the Debtor and his counsel, but no settlement agreement was finalized.

2. The SFX Trustee did not receive a formal solicitation from the United States Trustee ("**UST**"), but on April 18, 2018, the SFX Trustee submitted an application to serve on an unsecured creditors' committee in this case. The SFX Trustee believes that an unsecured creditors' committee should be appointed.

3. The SFX Trustee adopts the arguments made in the Objection. The SFX Trustee agrees that the Motion contains insufficient detail to assess if the retention of Castle Placement is in the best interests of creditors and the estate, why the contemplated financing is needed to pay creditors in light of the Debtor's substantial assets, how the contemplated financing would further

the goal of paying creditors, and whether the terms of the proposed agreement with Castle Placement are reasonable.

4. The SFX Trustee agrees with the Objection that a creditors' committee is necessary to provide review and input on the Motion, and that it would be appropriate to adjourn the hearing on the Motion until after a creditors' committee is formed.

5. Adjourning the hearing on the Motion will not prejudice the Debtor. By all accounts, Castle Placement is not conditioning its services on this Court's approval. Rather, as Castle Placement has conceded, the impetus for the Motion and hearing is so that it can be compensated by the estate for services that it already plans to render. See Affirmation on behalf of Castle Placement, LLC in Support of Retention by Non-Debtor Affiliate [ECF No. 56-3], at ¶ 9..

6. For the reasons set forth in the Objection, the SFX Trustee respectfully requests that the Court adjourn the hearing or deny the Motion and grant such other relief as the Court deems proper.

Dated: New York, New York
May 30, 2018

Respectfully submitted,

/s/ Yonah Jaffe_____

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